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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 001402

SIPDIS

STATE FOR EAP/BCLTV, DRL, G/TIP, STATE PASS LABOR/ILAB,  
COMMERCE FOR ITA JEAN KELLY, TREASURY FOR OASIA, USPACOM  
FOR FPA

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TAGS: [ELAB](#) [PGOV](#) [PHUM](#) [BM](#) [ASSK](#)

SUBJECT: BUSINESS AS USUAL: THE SPDC SHOWS LITTLE CONCERN  
ABOUT UP-COMING ILO REVIEW, RELEASE OF ASSK, OR RETURN OF  
UN SPECIAL ENVOY

REF: A. RANGOON 1370 AND PREVIOUS

[B](#). RANGOON 1365

[C](#). STATE 223852

[D](#). STATE 214607

[E](#). RANGOON 1224 AND PREVIOUS

Classified By: COM Carmen Martinez for Reasons 1.4 (b,d)

[¶1.](#) (C) Summary: Minister of Labor U Tin Winn told COM on October 25 that his government would "reassess the utility of the ILO" if the ILO's Governing Body decided to implement the measures outlined in Article 33 of the International Labor Conference's resolution of 2000. In response to our statement of concern about the safety and the continued detention of ASSK, the Minister responded that it "was only temporary." The Minister was dismissive of the need for the return of the Special Envoy or the Special Rapporteur, saying the SE has visited 12 times since he was appointed to his position and less than one year has passed since the SR was here. End Summary

[¶2.](#) (SBU) The COM, accompanied by Poloff (notetaker), called on Minister of Labor U Tin Winn on October 25 to review the USG's views on actions the International Labor Organization (ILO) will likely take when Burma comes up for discussion by the ILO's Governing Body in Geneva on November 18. Other subjects discussed during the contentious, but nevertheless cordial, 45-minute meeting were the USG's continuing deep concern about the SPDC's detention of Aung San Suu Kyi and U Tin Oo; the failure of the SPDC to allow the National League for Democracy (NLD) to function throughout the country and to participate in the National Convention (NC); the failure of the Government to allow United Nations Envoy Razali and United Nations Special Rapporteur on Human Rights Sergio Pinheiro to continue their work here; the ramifications for the Embassy's physical security of the GOB's publicly announced decision on October 22 to dissolve its National Intelligence Board--of which the Minister was a member--and the multiple official roles the Minister has played on behalf of the SPDC during the past few weeks in New York, Hanoi, and Rangoon.

The GOB Will Close Local ILO Office if Labor Organization Invokes Article 33 Measures

[¶3.](#) (SBU) The COM opened the discussion by saying the Embassy understands the Burmese Supreme Court's Special Appellate Branch had clearly stated on October 14 that contact with the ILO, and other international organizations, are not against the law. She added that the USG further understands the Special Appellate Branch has reduced the sentences of the three individuals who had been sentenced to jail for, among other things, carrying business cards of the ILO representative in Burma at the time they were taken into custody. The COM added that the Government has the authority to release the individuals on grounds of good behavior, and urged the GOB to do so.

[¶4.](#) (SBU) Nevertheless, stressed the COM, we do not believe the ILO Governing Body is prepared to consider--nor would we support--reactivating the 2003 Plan of Action to combat forced labor until the Burmese Government releases the three individuals imprisoned for contact with the ILO; improves cooperation with the Rangoon ILO representative in investigating forced labor allegations; and ensures that Burmese citizens clearly understand their government does not condone reprisals against those who report incidents of forced labor.

[¶5.](#) (SBU) In the latter connection, the COM mentioned the case in Toungup (southern Rakhine State), where there have been allegations of action being taken by local authorities against those who have informed the ILO of forced labor abuses. A credible response from the authorities to this case is important, said the COM. If the Government does not respond to such cases, it gives the impression that national authorities condone--even encourage--such action.

6, (SBU) Minister U Tin Winn responded by saying the problems in Toungup had been caused by "lower level"

officials. He went on to say the Ministry of Labor has tried to investigate some cases, but had found it difficult to do so because of the need for "transparency" in notifying local officials that they were being investigated and the inability of the Labor Ministry to conduct undercover operations.

(Note: The ILO has confirmed that the GOB has investigated 18 of the 38 cases brought to its attention, but has yet to find anyone involved guilty.) The COM responded by saying the GOB has considerable expertise and capacities in gathering intelligence that could be applied in cases of forced labor - she had previously seen successful undercover actions against such abuses in other countries, and is confident that the GOB could do the same if it has the political will to do so.

¶17. (C) The Minister concluded this part of the discussion by muttering that he would pass the COM's concerns to the judiciary. He also said--in much stronger tones--that the GOB would "reassess the utility of the ILO" in the country in the event of a decision by the ILO's Governing Body to implement the measures outlined in Article 33 of the International Labor Conference's resolution of 2000. When the COM pressed for a clarification of "reassess" he said that would mean closing ILO operations in country.

#### Concern about Aung San Suu Kyi and National League for Democracy

¶18. (SBU) The continuing detention of Aung San Suu Kyi (ASSK) and U Tin Oo raises serious doubt about the Burmese Government's commitment to a free, open society and to its own "road map to democracy," said the COM. The USG is very concerned about the safety of ASSK, she stressed, and the SPDC bears responsibility both for her release and for her safety. ASSK's continued house arrest when she has neither committed, nor been charged with any crime, belies the government's stated commitment to national reconciliation and destroys its credibility. The Minister responded by saying that the detention "was only temporary" and avoided responding to COM's request to define "temporary."

¶19. (SBU) The Government had invited NLD Chairman U Aung Shwe and other NLD Members-select of Parliament to participate earlier this year (May 17, 2004) in the National Convention, responded the Minister, but they had refused. There is nothing more the Government can do in this regard: "If the NLD wants to live in a cocoon," so be it, said the Minister. As for the May 2003 incident in Depayin, that was a political matter, not an issue of forced labor or human rights, he added. The Minister said he had told UN Secretary-General Kofi Annan that such things require time to sort out: "the Burmese Government is trying as hard as possible to resolve the matter."

#### National Convention to Resume in December-January

¶10. (SBU) The National Convention (NC) will resume in December or January, said the Minister. The determining factors "will be the weather, not politics." Questions of the harvest and road conditions must be taken into account in order to ensure full participation by all members of the NC.

#### Khin Nyunt Was "Covered with Rust," Had To Be Replaced

¶11. (SBU) The Minister responded to COM's question as to his opinion on the recent changes of senior government officials by saying that deposed Prime Minister Khin Nyunt had to be replaced because he was "covered with rust" and needed to "have it scraped." He should have been replaced "6-12 months before" (the announcement of his retirement on October 19, ref A), said the Minister, a former MI officer himself and a close collaborator with the fallen Prime Minister while both were serving in MI.

#### Why Razali and Pinheiro Can't Come Back to Burma

¶12. (SBU) The COM told the Minister that his government's refusal to permit visits by the Special Envoy Razali or Special Rapporteur Pinheiro showed a lack of commitment to UN efforts to assist in addressing the issues of human rights and national reconciliation. The Minister was dismissive, responding that the Special Envoy had been here "12 times in four years" and less than one year has passed since the Special Representative last visited the country.

#### Dissolution of the Burmese National Intelligence Board

¶13. (SBU) The Minister was a member of the Burmese Intelligence Board prior to its dissolution by the Government on October 22 (septel). The COM inquired about the implications of this move, particularly for the physical security of the Embassy. The Minister assured her that the Director of Police and the Minister of Home Affairs would continue to arrange for the American Embassy to be guarded diligently. He was confident that the USG remained "very strong" and "secure" in Burma.

The Minister's Many Hats

¶14. (SBU) In addition to his portfolio in Labor, the Minister serves concurrently as Minister in the Prime Minister's office. In the latter capacity, he headed the Burmese delegations to the recent opening of the United Nations General Assembly (UNGA) and to the ASEAN-European Ministerial Meeting (ASEM) in Hanoi earlier this month. The Minister said the Chairman of the SPDC, Senior General Than Shwe, had asked him to join the Burmese delegation to the opening of a trade exhibit in China in the Minister's capacity as a member of the Myanmar Economic Cooperation Committee. (Note: There has not been a public announcement of the trip, the dates of which are unknown.)

¶15. (C) Comment: A former Ambassador to the United States and earlier to Thailand, U Tin Winn is a highly experienced operator who clearly has the Senior General's confidence. He has held several ministerial portfolios since his return to Rangoon from Washington in 2001. While serving earlier in Military Intelligence, he was the government's chief negotiator with the Wa and Kokang cease-fire groups. We are not sure whether the Minister's statement about closing the ILO's office in Rangoon would hold if the Governing Body invokes Article 33 measures against it in the November meeting in Geneva. However, his will be a highly influential voice in any related discussions. Absolutely nothing the government has done during the past few months suggests that it would hesitate to thumb its nose once again at the international community. End Comment  
Martinez